

ORDINANCE NO. _____

AN ORDINANCE CLOSING HEARING, FINDING THE PROPOSED IMPROVEMENTS ARE ADVISEABLE AND LEVYING ASSESSMENTS FOR THE COST OF CERTAIN IMPROVEMENTS TO BE PROVIDED IN THE EL PASO PUBLIC IMPROVEMENT DISTRICT NO. 1 (THUNDER CANYON); FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

WHEREAS, the City staff and City Council reviewed the Petition and determined that the owners of taxable real property representing more than 50% of the appraised value of the taxable real property liable for assessment under the Petition and owning more than 50% of the area of all taxable real property within the District executed the Petition and that the Petition complies with the Act and authorized the City Council of the City to consider making findings as to the advisability of the creation of the District; and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, on January 16, 2007, the City Council passed a Resolution which modified the property in the District, authorized and approved the creation of the District,

as described in the field notes and the map attached hereto and made a part hereof and marked Exhibit "A-1" (the "Property"); and in accordance with its findings as to the advisability of the improvements, recommended and approved the District Improvements; and

WHEREAS, the authorization of the District took effect when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

WHEREAS, pursuant to the Act, the statutory notice of a public hearing on April 3, 2007, to consider the levy of the proposed assessments on the Property within the District was accomplished; and

WHEREAS, after notice was provided as required by the Act, the City Council of the City on April 3, 2007 held public hearings to consider the levy of the proposed assessments on the Property within the District, heard and passed on any objections to the proposed assessments and closed the public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELPASO, TEXAS THAT:

I.

Section 1. All matters stated in the preamble of this Ordinance are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. The action of the City Council closing the April 3, 2007, public hearing in these proceedings is hereby ratified and confirmed.

Section 3. The City staff with input from the owners of the real property within the proposed District have prepared the Service and Assessment Plan attached hereto as Exhibit "B" and the City Council hereby approves the Assessment Plan.

Section 4. The City Council may appoint an advisory body pursuant to Section 372.008, Texas Local Government Code to develop and recommend an ongoing service plan.

Section 5. The City Council finds that the improvements set forth in the Assessment Plan are advisable and will provide sufficient benefits to the property within the District to justify the levy of assessments to reimburse the costs of such improvements.

Section 6. The City Council finds that the assessments as set forth in the Assessment Plan should be made and levied against the Property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property within each class by means of improvements in the District for which such assessments are levied, and establish substantial justice and equality and uniformity between the respective owners to the respective properties within each class and between all parties concerned considering the benefits received and burdens imposed, and further finds that in each case the Property assessed is specially benefited by means of the said improvements in the District, and further finds that the apportionment of the cost of the services is in accordance with the law in force in this City and State and the proceedings of the City heretofore with reference to the formation of the District and the imposition of the assessments for said improvements are in all respects valid and regular.

Section 7. There shall be and is hereby levied and assessed against the Property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Plan attached hereto and made a part hereof. In the event the property owners make periodic installment payments of such Assessments, such payments shall bear interest, but may not exceed a rate that is one-half of one percent higher than the actual interest rate paid on the public debt used to finance the improvement.

Section 8. The sum above mentioned and assessed against the said Property and the owners thereof, together with any interest thereon, reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a first, prior and superior lien upon the Property against which the same are assessed, and a

personal liability and charge against the real and true owners of such Property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the Property on which such assessments are levied, and shall be a first and paramount lien thereon, superior to all other liens and claims except state, county, school district and city ad valorem taxes.

Section 9. The assessments shall be due and payable as stated in the Assessment Plan. That if default be made in the payment of any of the said sums hereby assessed against said Property owners and their portion of the Property, collection thereof, costs and attorney's fees, shall be enforced by suit in any court having jurisdiction, or by lien foreclosure, or both, in the same manner that an ad valorem tax lien against real property may be enforced by a governing body, pursuant to the Texas Tax Code.

Section 10. All assessments levied are a personal liability and charged against the real and true owners of the portion of the Property described, notwithstanding such owners may not be named, or may be incorrectly named. ***An owner may pay the full and complete amount of the assessment plus interest that has accrued to the date of payment, and upon such payment of principle and interest receive a full and complete release of lien executed by the City.*** All interest payments on the assessments are calculated to the date of payment. All payments shall be in accordance with the Assessment Plan attached hereto.

Section 11. The City shall reimburse itself for its actual costs of creating and providing administrative services to the District.

Section 12. City staff is hereby authorized to take all action necessary to effectuate the purposes of this Ordinance.

Section 13. This Ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

PASSED and APPROVED on this the _____ day of _____, 2007.

CITY OF EL PASO, TEXAS

John F. Cook
Mayor


ATTEST:

Richarda Momsen
City Clerk

APPROVED AS TO CONTENT:

For _____
Kelly Carpenter
Deputy Director
Development Services-Planning Division

APPROVED AS TO FORM:

_____
Theresa Cullen-Garney
Deputy City Attorney

Metes & Bounds Description

Description of a parcel of land being apportion of Tract 1E, H.G. Foster Survey No.259, a portion of Mesa Hills unit Four, a portion of Coronado Ridge Estates, a portion of Mesa Hills unit Two and Celebration Point, City of El Paso, El Paso County, Texas and being more particularly by metes and bounds as follows:

Commencing for reference at an existing city monument located at the centerline intersection of Stanton Street and Mondale Drive.

Thence along the same centerline of Stanton Street a distance of 25.00' with a bearing of N48°45'00"W to the true point of beginning.

Thence along the same bearing of N48°45'00"W a distance of 50.00' to a point.

Thence a distance of 35.00' with a bearing of N41°15'02"E to a point.

Thence along a curve to the left with a radius of 253.32', a chord of 96.03', a delta of 21°51'05" and an arc length of 96.61' to a point.

Thence along a bearing of S38°20'24"W a distance of 4.36' to a point.

Thence along a bearing of N51°31'36"W a distance of 13.78' to a point.

Thence along a bearing of S60°33'05"W a distance of 156.72' to a point.

Thence along a bearing of S29°26'55"E a distance of 178.96' to a point.

Thence along a curve to the right with a radius of 30.00', a chord of 23.72', a delta of 46°34'03" and an arc length of 24.38' to a point.

Thence along a curve to the right with a radius of 50.00', a chord of 99.99', a delta of 181°18'09" and an arc length of 158.22' to a point.

Thence along a bearing of S74°11'01"E a distance of 217.00' to a point.

Thence along a bearing of S00°02'28"W a distance of 230.44' to a point.

Thence along a bearing of N79°52'50"W a distance of 412.88' to the southwest corner of lot 10, block 1, of Coronado Ridge Estates, reference point #1

Thence along a curve to the left with a radius of 550.02', a chord of 115.98', a delta of 12°06'15" and an arc length of 116.20' to a point.

Thence along a curve to the right with a radius of 550.02', a chord of 181.06', a delta of 18°56'50" and an arc length of 181.89' to a point.

Thence along a bearing of S89°06'51"E a distance of 25.99' to a point.

Thence along a bearing of S00°53'09"W a distance of 20.00' to a point.

Thence along a bearing of N89°06'51"W a distance of 14.79' to a point.

Thence along a curve to the left with a radius of 550.02', a chord of 204.78', a delta of 21°27'26" and an arc length of 205.98' to a point.

Thence along a bearing of S76°54'45"E a distance of 25.33' to a point.

Thence along a bearing of S13°05'15"W a distance of 20.00' to a point.

Thence along a bearing of N76°54'45"W a distance of 18.95' to a point.

Thence along a curve to the right with a radius of 550.02', a chord of 33.79', a delta of 03°31'14" and an arc length of 33.80' to a point.

Thence along a bearing of S00°00'00"W a distance of 128.81' to a point.

Thence along a curve to the left with a radius of 701.55', a chord of 136.13', a delta of 11°07'05" and an arc length of 136.13' to a point.

Thence along a curve to the right with a radius of 701.55', a chord of 136.60', a delta of 11°10'26" and an arc length of 136.82' to a point.

Thence along a bearing of S22°16'27"E a distance of 209.25' to a point

Thence along a bearing of S22°22'40"E a distance of 48.70' to a point.

Thence along a bearing of S22°22'40"E a distance of 8.20' to a point.

Thence along a bearing of S67°43'34"W a distance of 265.15' to a point.

Thence along a curve to the right with a radius of 309.55', a chord of 110.95', a delta of 20°38'51" and an arc length of 111.55' to a point.

Thence along a bearing of S88°22'25"W a distance of 204.86' to a point.

Thence along a curve to the right with a radius of 366.85', a chord of 290.48', a delta of 46°38'47" and an arc length of 298.66' to a point.

Thence along a curve to the right with a radius of 366.85', a chord of 54.26', a delta of 08°28'57" and an arc length of 54.31' to a point.

Thence along a bearing of N36°29'50"W a distance of 99.60' to a point.

Thence along a curve to the left with a radius of 280.00', a chord of 258.93', a delta of 55°04'50" and an arc length of 269.17' in front of lot 72, block 7, of Mesa Hills Unit II, reference point #2

Thence along a bearing of S88°25'19"W a distance of 194.21' to a point.

Thence along a bearing of S88°25'19"W a distance of 831.70' to a point.

Thence along a curve to the left with a radius of 50.00', a chord of 86.60', a delta of 120°00'00" and an arc length of 104.72' to a point.

Thence along a bearing of S88°25'19"W a distance of 31.70' to a point.

Thence along a curve to the left with a radius of 550.00', a chord of 120.48', a delta of 12°34'33" and an arc length of 120.72' to a point.

Thence along a curve to the right with a radius of 550.00', a chord of 109.52', a delta of 12°34'33" and an arc length of 109.74' to a point.

Thence along a bearing of N88°25'49"W a distance of 320.00' to a point.

Thence along a curve to the left with a radius of 45.00', a chord of 78.22', a delta of 120°42'38" and an arc length of 94.81' to a point.

Thence along a bearing of S57°43'11"W a distance of 306.50' to a point.

Thence along a bearing of S01°34'11"E a distance of 11.01' to a point.

Thence along a bearing of N66°49'42"W a distance of 110.11' to a point.

Thence along a bearing of N01°34'11"W a distance of 95.00' to a point.

Thence along a bearing of N26°27'05"W a distance of 46.13' to a point.

Thence along a bearing of N84°09'43"W a distance of 112.00' to the northwest corner of lot 11, block 1, of Celebration point, reference point #3

Thence along a curve to the left with a radius of 256.86', a chord of 44.26', a delta of 09°53'06" and an arc length of 44.31' to a point.

Thence along a curve to the right with a radius of 122.42', a chord of 37.19', a delta of 17°28'25" and an arc length of 37.33' to a point.

Thence along a bearing of N05°50'17"E a distance of 106.53' to a point.

Thence along a curve to the right with a radius of 20.00', a chord of 27.00', a delta of 84°54'30" and an arc length of 29.64' to a point.

Thence along a curve to the left with a radius of 521.57', a chord of 57.86', a delta of 06°21'34" and an arc length of 57.89' to a point.

Thence along a bearing of N06°57'57"W a distance of 60.00' to a point.

Thence along a curve to the right with a radius of 461.57', a chord of 26.07', a delta of 03°14'12" and an arc length of 26.07' to a point.

Thence along a bearing of N00°41'43"E a distance of 130.00' to a point.

Thence along a bearing of N55°12'20"E a distance of 96.46' to a point.

Thence along a bearing of N05°53'45"E a distance of 196.34' to a point.

Thence along a bearing of N74°00'03"E a distance of 376.91' to the northwest corner of lot 36, block 16, of Mesa Hills Unit Four, reference point #4

Thence along a curve to the left with a radius of 50.00', a chord of 87.01', a delta of 120°56'33" and an arc length of 105.54' to a point.

Thence along a curve to the left with a radius of 50.00', a chord of 35.36', a delta of 41°24'35" and an arc length of 36.14' to a point.

Thence along a bearing of N84°28'05"E a distance of 13.93' to a point.

Thence along a curve to the right with a radius of 885.00', a chord of 300.00', a delta of 19°30'59" and an arc length of 301.45' to a point.

Thence along a curve to the left with a radius of 980.00', a chord of 637.71', a delta of 37°58'30" and an arc length of 649.53' to a point.

Thence along a bearing of N66°00'00"E a distance of 469.93' to a point.

Thence along a bearing of N66°00'00"E a distance of 120.00' to a point.

Thence along a curve to the left with a radius of 1425.00', a chord of 610.79', a delta of 24°45'01" and an arc length of 615.56' to a point.

Thence along a bearing of N41°15'00"E a distance of 121.24' to the true point of beginning.

Said parcel contains 69.0246 Acres of land more or less.

**Service and Assessment Plan
El Paso Public Improvement District Number 1
City of El Paso, El Paso County, Texas**

1. Introduction

This Service and Assessment Plan (the “Plan”) is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code (the “Act”), and pursuant to the resolution approved by the City Council on January 16, 2007, creating the El Paso Public Improvement District Number 1 (the “PID” or the “District”), City of El Paso (the “City”), El Paso County, Texas. The creation of the PID was initiated by a petition (the “Creation Petition”) submitted by property owners within the PID boundaries in compliance with the requirements of Section 372.005 of the Act.

The petitioners proposed that the portion of the District commonly known as Thunder Canyon (the “Canyon”) be perpetually maintained in its natural state open to the public. This proposed use conforms with the City’s Parks and Recreation Master Plan for El Paso, Texas (Open Space Issues and Needs) and will greatly benefit the community and this specific area of the community which is currently well below guideline requirements for open space.

The El Paso Water Utilities/ Public Services Board (the “EPWU/PSB”) has a utility easement within the District. There is currently a wastewater gravity line contained in that easement, and EPWU/PSB will be responsible for the maintenance and operation of this and any future water or wastewater utility lines and the restoration of any disturbed areas according to any easement requirements.

The City of El Paso Department of Parks and Recreation will be the contact point for the District.

2. Boundaries

The boundaries of the PID are as indicated in the metes and bounds description attached as Exhibit “A”, and boundary map attached as Exhibit “B”.

3. Administration of the District

The City will administer the District.

4. Authorized Improvements and Supplemental Services

The authorized improvements (the “Improvements”) to be provided by the District will include acquisition of the Canyon, and consist of supplemental services which will confer a special benefit to properties within the PID. The supplemental services will include the creation of a conservation easement on the undeveloped land in the PID in order to retain the Canyon in its undeveloped natural state.

5. On-Going Service

Due to the nature of the Improvements, it is anticipated that the cost of maintenance shall be minor and shall initially be borne by the City. The following is a summary of the projected costs of the Improvements and proposed annual budget of the District, including annual debt service on the issuance of approximately \$425,000 of PID revenue bonds.

IMPROVEMENT/SUPPLEMENTAL SERVICES	ESTIMATED COST
Repayment to City for Acquisition of Canyon	\$525,000.00
TOTAL	\$525,000.00

Proposed Annual Budget

Date	Principal	Coupon	Interest	Total P+I
08/31/2007	-	-	-	-
08/31/2008	20,000.00	5.000%	26,562.50	46,562.50
08/31/2009	25,000.00	5.000%	20,250.00	45,250.00
08/31/2010	25,000.00	5.000%	19,000.00	44,000.00
08/31/2011	30,000.00	5.000%	17,750.00	47,750.00
08/31/2012	30,000.00	5.000%	16,250.00	46,250.00
08/31/2013	30,000.00	5.000%	14,750.00	44,750.00
08/31/2014	30,000.00	5.000%	13,250.00	43,250.00
08/31/2015	35,000.00	5.000%	11,750.00	46,750.00
08/31/2016	35,000.00	5.000%	10,000.00	45,000.00
08/31/2017	40,000.00	5.000%	8,250.00	48,250.00
08/31/2018	40,000.00	5.000%	6,250.00	46,250.00
08/31/2019	40,000.00	5.000%	4,250.00	44,250.00
08/31/2020	45,000.00	5.000%	2,250.00	47,250.00
TOTAL	\$425,000.00		\$170,562.50	\$595,562.50

6. Apportionment of Costs and Assessment

The cost of the Improvements shall be assessed on the basis of ad valorem taxable value of the improved property within the District according to the City's 2005 certified tax rolls. The Assessments shall be levied against all properties in the District except any private common areas or public right-of-way in existence at the time of the creation of the District, or real property owned by the City shall not be assessed.

It is not anticipated that the Assessment Roll will need to be revised annually, as necessary, to reflect the individual properties and applicable assessment classes for the respective property as of January 1 of each year.

7. Levy of Assessments

The first annual installment payment for assessments for District Improvements shall be due and payable on or before January 31, 2008, and thereafter each annual assessment for District Improvements shall be payable on or before each January 31 until all obligations for the District Improvements are paid in full. As the Assessments are levied and collected, they shall be irrevocably placed into a separately maintained escrow account set up by the City for such District Assessments. The District Assessments shall be held in trust and cannot be withdrawn by the District except upon written authorization and certification from the City's Chief Financial Officer to the Escrow Agent that such funds are necessary to pay debt service on the bonds being issued to repay the City for the acquisition of the Canyon.

The proposed method of assessment shall be on the basis of the ad valorem taxable value of property benefiting from the improvements of all real property within the District as determined by the City of El Paso according to its 2005 certified tax rolls. Any private common areas or public right-of-way in existence at the time of the creation of the District or real property owned by the City shall not be assessed.

At a public hearing in August or September of each year, the City Council will consider levying an assessment against improved real property in the District based on the taxable assessed value of the property. Assessments will be collected through the same systems used to collect ad valorem property taxes. A five-year service plan, to be adopted by the City Council, will define the nature and projected cost of the improvements to be funded by the assessment. The proposed apportionment of cost will be totally borne by the Public Improvement District for those improvements identified in the five-year service plan.

The proposed assessment roll is attached as Exhibit "C".

8. Levy and Collection

Assessments may be paid in partial, full or annual installments ("installments/assessments"). If payment in full is not received by 2:00 p.m. on April 20, 2007, then it shall be presumed that payment is being made in installments. Installment payments shall bear interest.

Notice of the levy of each installment/assessment will be given as provided in the Act. The installment/assessment levy statement will be sent to each property owner in the District, and the installment of the assessment levy will be due and payable at the same time property taxes are due and payable to the City.

The first installment of an assessment against a particular property shall be due with respect to the calendar year beginning January 1, 2008. The City will invoice each owner of property for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments

in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment as provided herein has been paid in full. The owner of assessed property may pay at any time the entire assessment then due on each property. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, including prior mortgage liens, to the extent allowed by Section 372.018(b) of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the City's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment lien shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment plus interest thereon. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of assessed property may pay at any time the entire assessment then due on each property.

9. Advisory Body

Section 372.008 of the Act provides that the City may appoint an advisory body with the responsibility of developing and recommending an improvement plan to the City Council. As the supplemental services will include the creation of a conservation easement on the Canyon in order to retain the Canyon in its undeveloped natural state, it is not necessary or recommended to appoint an advisory body at this time.

Exhibit A
Metes & Bounds Description

Description of a parcel of land being apportion of Tract 1E, H.G. Foster Survey No.259, a portion of Mesa Hills unit Four, a portion of Coronado Ridge Estates, a portion of Mesa Hills unit Two and Celebration Point, City of El Paso, El Paso County, Texas and being more particularly by metes and bounds as follows:

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Thence along a bearing of S88°25'19"W a distance of 831.70' to a point.

Thence along a curve to the left with a radius of 50.00', a chord of 86.60', a delta of 120°00'00" and an arc length of 104.72' to a point.

Thence along a bearing of S88°25'19"W a distance of 31.70' to a point.

Thence along a curve to the left with a radius of 550.00', a chord of 120.48', a delta of 12°34'33" and an arc length of 120.72' to a point.

Thence along a curve to the right with a radius of 550.00', a chord of 109.52', a delta of 12°34'33" and an arc length of 109.74' to a point.

Thence along a bearing of N88°25'49"W a distance of 320.00' to a point.

Thence along a curve to the left with a radius of 45.00', a chord of 78.22', a delta of 120°42'38" and an arc length of 94.81' to a point.

Thence along a bearing of S57°43'11"W a distance of 306.50' to a point.

Thence along a bearing of S01°34'11"E a distance of 11.01' to a point.

Thence along a bearing of N66°49'42"W a distance of 110.11' to a point.

Thence along a bearing of N01°34'11"W a distance of 95.00' to a point.

Thence along a bearing of N26°27'05"W a distance of 46.13' to a point.

Thence along a bearing of N84°09'43"W a distance of 112.00' to the northwest corner of lot 11, block 1, of Celebration point, reference point #3

Thence along a curve to the left with a radius of 256.86', a chord of 44.26', a delta of 09°53'06" and an arc length of 44.31' to a point.

Thence along a curve to the right with a radius of 122.42', a chord of 37.19', a delta of 17°28'25" and an arc length of 37.33' to a point.

Thence along a bearing of N05°50'17"E a distance of 106.53' to a point.

Thence along a curve to the right with a radius of 20.00', a chord of 27.00', a delta of 84°54'30" and an arc length of 29.64' to a point.

Thence along a curve to the left with a radius of 521.57', a chord of 57.86', a delta of 06°21'34" and an arc length of 57.89' to a point.

Thence along a bearing of N06°57'57"W a distance of 60.00' to a point.

Thence along a curve to the right with a radius of 461.57', a chord of 26.07', a delta of 03°14'12" and an arc length of 26.07' to a point.

Thence along a bearing of N00°41'43"E a distance of 130.00' to a point.

Thence along a bearing of N55°12'20"E a distance of 96.46' to a point.

Thence along a bearing of N05°53'45"E a distance of 196.34' to a point.

Thence along a bearing of N74°00'03"E a distance of 376.91' to the northwest corner of lot 36, block 16, of Mesa Hills Unit Four, reference point #4

Thence along a curve to the left with a radius of 50.00', a chord of 87.01', a delta of 120°56'33" and an arc length of 105.54' to a point.

Thence along a curve to the left with a radius of 50.00', a chord of 35.36', a delta of 41°24'35" and an arc length of 36.14' to a point.

Thence along a bearing of N84°28'05"E a distance of 13.93' to a point.

Thence along a curve to the right with a radius of 885.00', a chord of 300.00', a delta of 19°30'59" and an arc length of 301.45' to a point.

Thence along a curve to the left with a radius of 980.00', a chord of 637.71', a delta of 37°58'30" and an arc length of 649.53' to a point.

Thence along a bearing of N66°00'00"E a distance of 469.93' to a point.

Thence along a bearing of N66°00'00"E a distance of 120.00' to a point.

Thence along a curve to the left with a radius of 1425.00', a chord of 610.79', a delta of 24°45'01" and an arc length of 615.56' to a point.

Thence along a bearing of N41°15'00"E a distance of 121.24' to the true point of beginning.
Said parcel contains 69.0246 Acres of land more or less.

Exhibit B
Boundary Map

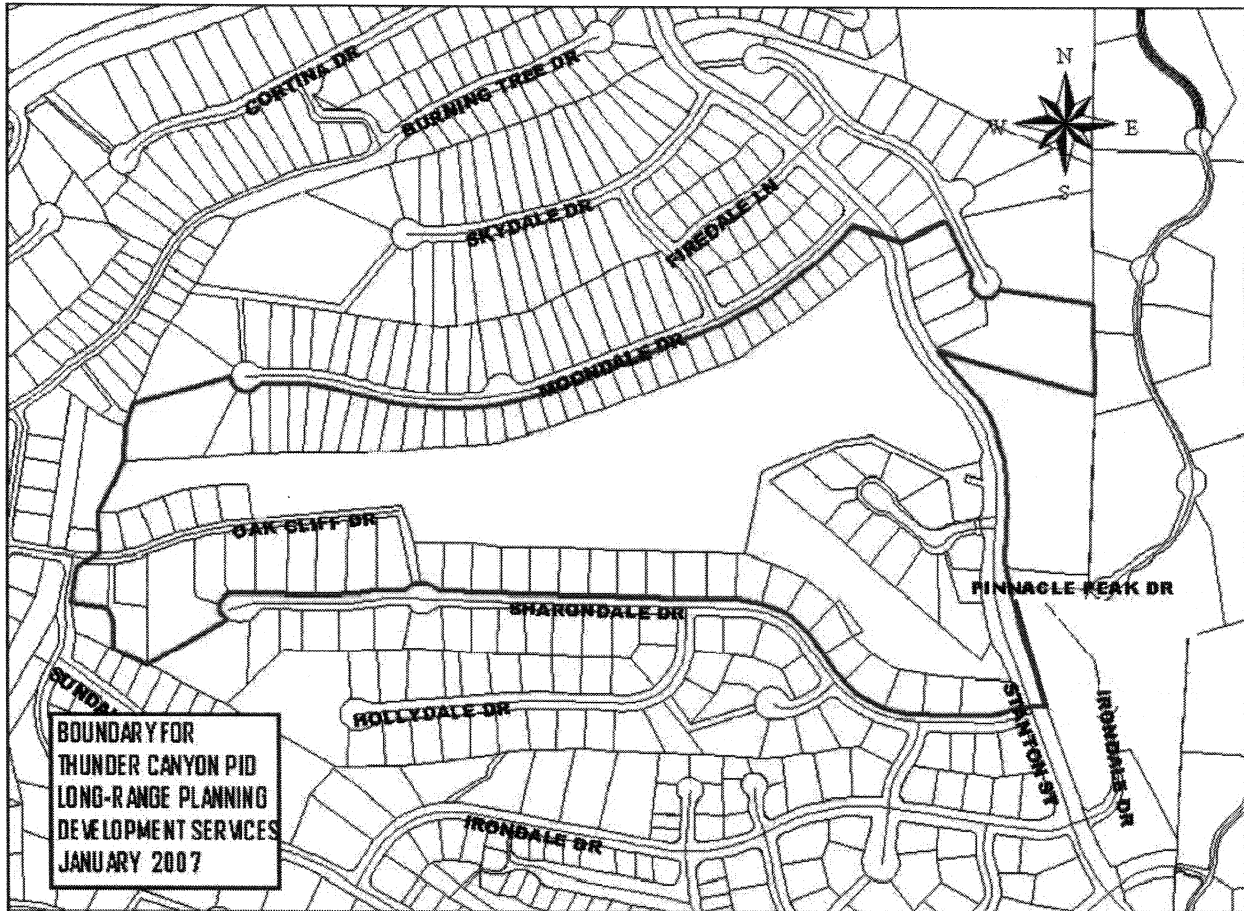


Exhibit C
Proposed Assessment Roll
(The following 4 pages)

Exhibit "c"

Page 1 of 4

El Paso PID #1 Assessment Estimate

Total Amount To Purchase Property	\$500,000
Donations	\$15,171
Issuance Expenses	\$25,000
Amount Owed By PID	<u>\$509,829</u>

Total Required Annual Payment \$49,500

Owner	Address	Value	Percent of Total AV	Share of Total Assessment	Amount Paid	Remaining Assessment Owed
NIEMAN, CHARLES H JR & ROCHELLE M	500 MOONDALE	\$455,116	2.45439%	\$12,513		\$12,513
KEENE, JIM	504 MOONDALE	\$200,140	1.07933%	\$5,503		\$5,503
DAVIS, DIANA L	508 MOONDALE	\$205,279	1.10705%	\$5,644	\$500	\$5,144
HART, WILLIAM N & GAYLE E	512 MOONDALE	\$171,799	0.92649%	\$4,724		\$4,724
SLAWINSKI, JOHN & NORA Y	516 MOONDALE	\$161,486	0.87088%	\$4,440		\$4,440
CONCHA, SALVADOR & JOSEFINA	520 MOONDALE DR	\$199,805	1.07753%	\$5,494		\$5,494
FIELDS, FRANK E & DOLORES W	524 MOONDALE DR	\$173,960	0.93815%	\$4,783		\$4,783
SHOFFIT, MICHAEL D	528 MOONDALE	\$200,614	1.08189%	\$5,516		\$5,516
ALMANZA, LORENZO & YVONNE	532 MOONDALE	\$176,008	0.94919%	\$4,839		\$4,839
AGUILAR, GUILLERMO I & CYNTHIA	536 MOONDALE	\$171,192	0.92322%	\$4,707		\$4,707
PETERSON, JOHN R	540 MOONDALE DR	\$154,736	0.83448%	\$4,254	\$2,200	\$2,054
HOOD, JOSEPH L JR & JANET L	600 MOONDALE	\$214,062	1.15441%	\$5,886	\$5,000	\$886
GARCIA, HECTOR F & YOLANDA	604 MOONDALE	\$196,153	1.05783%	\$5,393		\$5,393
MIDDLECAMP, STEVE	608 MOONDALE	\$172,681	0.93125%	\$4,748		\$4,748
REYES, DANIEL O	612 MOONDALE	\$172,389	0.92968%	\$4,740		\$4,740
BANUELAS, ARTURO J	616 MOONDALE	\$167,671	0.90423%	\$4,610	\$250	\$4,360
REYNOLDS, FRED L & DENISE L	620 MOONDALE DR	\$144,500	0.77927%	\$3,973		\$3,973
BONINE, GARY M & MARGIE A	624 MOONDALE DR	\$161,965	0.87346%	\$4,453		\$4,453
LYNCH, MONICA C	628 MOONDALE	\$182,442	0.98389%	\$5,016		\$5,016
EDWARDS, BARRON A & MERRIDITH C	632 MOONDALE	\$189,057	1.01957%	\$5,198	\$1,000	\$4,198
CAZARES, JOSE & ANGELA	636 MOONDALE	\$174,031	0.93853%	\$4,785		\$4,785
HEYDARIAN, CYROUS & RUHIYYIH	640 MOONDALE DR	\$145,375	0.78399%	\$3,997		\$3,997
REDMON, JOHNNY J & GERTRUDE	644 MOONDALE DR	\$159,750	0.86152%	\$4,392	\$1,000	\$3,392
WHITE, WILLIAM D JR & ANGEL	648 MOONDALE DR	\$154,954	0.83565%	\$4,260	\$5,000	\$0
MORRIS, BRYAN R & SHERRILYN	652 MOONDALE DR	\$150,963	0.81413%	\$4,151	\$5,000	\$0
MIRANDA, JESSIE	656 MOONDALE DR	\$162,382	0.87571%	\$4,465	\$1,000	\$3,465
CURLIN, THOMAS C & DAYNA R	660 MOONDALE DR	\$156,509	0.84404%	\$4,303	\$4,000	\$303
WILSON, MARK & LIZETTE	664 MOONDALE	\$182,126	0.98219%	\$5,007		\$5,007
DUMAS, ROBERT A	668 MOONDALE	\$215,812	1.16385%	\$5,934		\$5,934
BANKEN, JOHN W & GENA M	672 MOONDALE	\$199,946	1.07829%	\$5,497		\$5,497

Provided By: First Southwest Company

El Paso PID #1
Assessment Estimate

Total Amount To Purchase Property	\$500,000
Donations	\$15,171
Issuance Expenses	\$25,000
Amount Owed By PID	<u>\$509,829</u>

Total Required Annual Payment \$49,500

Owner	Address	Value	Percent of Total AV	Share of Total Assessment	Amount Paid	Remaining Assessment Owed
AGUILAR, RICHARD E	676 MOONDALE	\$211,829	1.14237%	\$5,824	\$3,000	\$2,824
BANKERS TRUST COMPANY OF CA	680 MOONDALE	\$165,496	0.89250%	\$4,550		\$4,550
GARRETT, LEWIS	684 MOONDALE	\$181,000	0.97611%	\$4,977		\$4,977
VERNON, FEROL B & NANCY J	688 MOONDALE	\$181,898	0.98096%	\$5,001	\$3,250	\$1,751
APPLEBAUM, STEPHEN A	692 MOONDALE	\$173,499	0.93566%	\$4,770		\$4,770
BARROW, BLAKE W & GEORGIA S	696 MOONDALE DR	\$143,088	0.77166%	\$3,934	\$2,000	\$1,934
BOONE, LAWRENCE D. & GAIL B,	300 SHARONDALE	\$289,534	1.56143%	\$7,961		\$7,961
HIRSH, FRED E & NINA W	301 SHARONDALE	\$234,756	1.26602%	\$6,455		\$6,455
ABRAHAM, MITCHEL & GEORGETTE	305 SHARONDALE	\$263,499	1.42102%	\$7,245		\$7,245
HART, MARGARET	309 SHARONDALE	\$275,584	1.48620%	\$7,577		\$7,577
LOPEZ, ROBERTO & ROSA I	313 SHARONDALE	\$229,926	1.23997%	\$6,322		\$6,322
WILLIAMS, JEFFERY C & BARBARA G	317 SHARONDALE	\$237,878	1.28285%	\$6,540		\$6,540
ROBERTSON, CAROL L	321 SHARONDALE DR	\$229,415	1.23721%	\$6,308	\$3,600	\$2,708
GAVALDON, ALBERT L	325 SHARONDALE	\$202,126	1.09004%	\$5,557		\$5,557
BARTOLETTI, SERENE & MARGAR	401 SHARONDALE DR	\$213,979	1.15397%	\$5,883	\$5,500	\$383
SMITH, V J & KIMBERLY	405 SHARONDALE	\$294,797	1.58981%	\$8,105	\$2,000	\$6,105
RIOS, JESUS S & CHERYL D	409 SHARONDALE DR	\$174,385	0.94044%	\$4,795		\$4,795
TARNOSKY, MARC W	413 SHARONDALE	\$171,110	0.92278%	\$4,705	\$4,500	\$0
SANTONI, MARIA T	417 SHARONDALE DR	\$161,683	0.87194%	\$4,445		\$4,445
TOWRY, WILLIAM G & MARIETTA	421 SHARONDALE DR	\$181,912	0.98103%	\$5,002	\$3,500	\$1,502
COX, ROBERT B & WILMA G	425 SHARONDALE	\$187,848	1.01305%	\$5,165		\$5,165
MAYHALL, ROBERT F	429 SHARONDALE DR	\$179,576	0.96844%	\$4,937		\$4,937
OWNER UNKNOWN	433 SHARONDALE	\$139,017	0.74970%	\$3,822		\$3,822
LIU, YU-CHENG & ANNE G H	437 SHARONDALE DR	\$199,898	1.07803%	\$5,496	\$5,000	\$496
ORRANTIA, JORGE SR	501 SHARONDALE	\$186,551	1.00605%	\$5,129	\$2,500	\$2,629
NADORRA, ROSARIO L	505 SHARONDALE	\$288,964	1.55835%	\$7,945	\$1,000	\$6,945

EI Paso PID #1
Assessment Estimate

Total Amount To Purchase Property	\$500,000
Donations	\$15,171
Issuance Expenses	\$25,000
Amount Owed By PID	<u>\$509,829</u>

Total Required Annual Payment \$49,500

Owner	Address	Value	Percent of Total AV	Share of Total Assessment	Amount Paid	Remaining Assessment Owed
BATCHELDER, DEAN R & MAUREEN	509 SHARONDALE DR	\$151,709	0.81815%	\$4,171		\$4,171
REYES, HECTOR I & ESTELLA	513 SHARONDALE DR	\$189,832	1.02374%	\$5,219		\$5,219
LICON, GUILLERMO & MARGARITA	517 SHARONDALE DR	\$224,789	1.21226%	\$6,180		\$6,180
MAIS, CHARLES & ANNA N	521 SHARONDALE DR	\$189,495	1.02193%	\$5,210		\$5,210
PEINADO, JEANIE M & 1	525 SHARONDALE DR	\$246,804	1.33099%	\$6,786		\$6,786
WHYTE, DAVID D & FRANCES P	529 SHARONDALE DR	\$243,972	1.31572%	\$6,708		\$6,708
REYES, SALVADOR D & YOLANDA	533 SHARONDALE DR	\$202,024	1.08949%	\$5,555		\$5,555
BARRAGAN, NOEMI	541 SHARONDALE	\$154,549	0.83347%	\$4,249		\$4,249
DUNCAN, BRYAN C	500 THUNDER CREST	\$448,612	2.41932%	\$12,334	\$6,500	\$5,834
SOLTERO, SANDRA L	501 THUNDER CREST LN	\$63,295	0.34134%	\$1,740		\$1,740
LARA, NORMA	504 THUNDER CREST LN	\$57,308	0.30906%	\$1,576		\$1,576
BOWMAN, JAMES W & JANET W	505 THUNDER CREST	\$270,508	1.45882%	\$7,437	\$6,500	\$937
LARA, NORMA	508 THUNDER CREST LN	\$62,983	0.33966%	\$1,732		\$1,732
WILLIS CONSTRUCTION COMPANY	509 THUNDER CREST	\$47,986	0.25878%	\$1,319		\$1,319
MCINTYRE, JAMES B & KATHERINE K	512 THUNDER CREST	\$360,303	1.94308%	\$9,906	\$6,000	\$3,906
WILLIS CONSTRUCTION CO	513 THUNDER CREST	\$45,657	0.24622%	\$1,255		\$1,255
WILSON, DONALD L & MARGARET	516 THUNDER CREST	\$329,943	1.77935%	\$9,072		\$9,072
SCHWEIN, RICHARD D & FLORENCE	520 THUNDER CREST LN	\$338,832	1.82729%	\$9,316	\$5,000	\$4,316
MORSE, GINA G	524 THUNDER CREST	\$353,777	1.90788%	\$9,727		\$9,727
ADAMS, CHRISTINA C	528 THUNDER CREST	\$352,478	1.90088%	\$9,691	\$5,000	\$4,691
REAY, DONALD L & ELOISA G	5665 OAK CLIFF	\$162,742	0.87765%	\$4,475		\$4,475
KIEFER, THOMAS M & ALICE	5669 OAK CLIFF	\$158,888	0.85687%	\$4,369		\$4,369
HERNANDEZ, ANTONIO & VIRGIN	5673 OAK CLIFF	\$173,500	0.93567%	\$4,770		\$4,770
FELHABER, ALEC	5677 OAK CLIFF	\$145,548	0.78493%	\$4,002		\$4,002
DOMINGUEZ, AGUSTIN & AMELIA	5681 OAK CLIFF	\$140,676	0.75865%	\$3,868		\$3,868
DUKE, KELLY S & AMY S	5684 OAK CLIFF	\$125,430	0.67643%	\$3,449		\$3,449
RASURA, ROSA M	5685 OAK CLIFF	\$155,614	0.83921%	\$4,279		\$4,279
HERNANDEZ, JOSE L & VERONICA G	5686 OAK CLIFF	\$149,785	0.80778%	\$4,118		\$4,118
CABADA, LUIS C & 1	5688 OAK CLIFF	\$160,191	0.86389%	\$4,404		\$4,404
SAINZ, JORGE G & GRISELDA	5800 CORONADO RIDGE	\$468,933	2.52891%	\$12,893		\$12,893
BALESH, ROBERT J & ADELE	5804 CORONADO RIDGE	\$356,608	1.92315%	\$9,805		\$9,805

EI Paso PID #1
Assessment Estimate

Total Amount To Purchase Property	\$500,000
Donations	\$15,171
Issuance Expenses	\$25,000
Amount Owed By PID	<u>\$509,829</u>
Total Required Annual Payment	\$49,500

Owner	Address	Value	Percent of Total AV	Share of Total Assessment	Amount Paid	Remaining Assessment Owed
HADDAD, GEORGE K & SEAMONE	5808 CORONADO RIDGE	\$332,604	1.79370%	\$9,145		\$9,145
SALZMAN, MICHAEL M & MARY W	5812 CORONADO RIDGE	\$378,292	2.04009%	\$10,401		\$10,401
DESANTOS, CHRISTINA	5816 CORONADO RIDGE	\$327,087	1.76395%	\$8,993		\$8,993
Total		<u>\$18,542,905</u>	100.00000%	<u>\$509,829</u>	<u>\$89,800</u>	<u>\$421,413</u>

ORDINANCE NO. _____

AN ORDINANCE CLOSING HEARING, FINDING THE PROPOSED IMPROVEMENTS ARE ADVISEABLE AND LEVYING ASSESSMENTS FOR THE COST OF CERTAIN IMPROVEMENTS TO BE PROVIDED IN THE EL PASO PUBLIC IMPROVEMENT DISTRICT NO. 1 (THUNDER CANYON); FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

WHEREAS, the City staff and City Council reviewed the Petition and determined that the owners of taxable real property representing more than 50% of the appraised value of the taxable real property liable for assessment under the Petition and owning more than 50% of the area of all taxable real property within the District executed the Petition and that the Petition complies with the Act and authorized the City Council of the City to consider making findings as to the advisability of the creation of the District; and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, on January 16, 2007, the City Council passed a Resolution which modified the property in the District, authorized and approved the creation of the District,

as described in the field notes and the map attached hereto and made a part hereof and marked Exhibit "A-1" (the "Property"); and in accordance with its findings as to the advisability of the improvements, recommended and approved the District Improvements; and

WHEREAS, the authorization of the District took effect when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

WHEREAS, pursuant to the Act, the statutory notice of public hearings on April 3 and 17, 2007, to consider the levy of the proposed assessments on the Property within the District was accomplished; and

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WHEREAS, after notice was provided as required by the Act, the City Council held a public hearing on April 3, 2007 and continued the public hearing until April 17, 2007, held another public hearing on April 17, 2007, to consider the levy of the proposed assessments on the Property within the District, heard and passed on any objections to the proposed assessments and closed the public hearings.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELPASO, TEXAS THAT:

I.

Section 1. All matters stated in the preamble of this Ordinance are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. The action of the City Council closing the April 17, 2007, public hearings in these proceedings is hereby ratified and confirmed.

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Section 3. The City staff with input from the owners of the real property within the proposed District have prepared the Service and Assessment Plan attached hereto

as Exhibit "B" and the City Council hereby approves the Service and Assessment Plan (the "Assessment Plan").

Section 4. The City Council may appoint an advisory body pursuant to Section 372.008, Texas Local Government Code to develop and recommend an ongoing service plan.

Section 5. The City Council finds that the improvements set forth in the Assessment Plan are advisable and will provide sufficient benefits to the property within the District to justify the levy of assessments to reimburse the costs of such improvements.

Section 6. The City Council finds that the assessments as set forth in the Assessment Plan should be made and levied against the Property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property, by means of improvements in the District for which such assessments are levied, and establish substantial justice and equality and uniformity between the respective owners to the respective properties, and between all parties concerned considering the benefits received and burdens imposed, and further finds that in each case the Property assessed is specially benefited by means of the said improvements in the District, and further finds that the apportionment of the cost of the services is in accordance with the law in force in this City and State and the proceedings of the City heretofore with reference to the formation of the District and the imposition of the assessments for said improvements are in all respects valid and regular.

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Section 7. There shall be and is hereby levied and assessed against the Property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Plan attached hereto and made a part hereof. In the event the property owners make periodic installment payments of such Assessments, such payments shall bear interest, but may not exceed a rate that is one-half of one percent higher than the actual interest rate paid on the public debt used to finance the improvement.

Section 8. The sum above mentioned and assessed against the said Property and the owners thereof, together with any interest thereon, reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a first, prior

and superior lien upon the Property against which the same are assessed, and a personal liability and charge against the real and true owners of such Property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the Property on which such assessments are levied, and shall be a first and paramount lien thereon, superior to all other liens and claims except state, county, school district and city ad valorem taxes, as allowed by law.

Section 9. The assessments shall be due and payable as stated in the Assessment Plan. That if default be made in the payment of any of the said sums hereby assessed against said Property owners and their portion of the Property, collection thereof, costs and attorney's fees, shall be enforced by suit in any court having jurisdiction, or by lien foreclosure, or both, in the same manner that an ad valorem tax lien against real property may be enforced by a governing body, pursuant to the Texas Tax Code, as allowed by law.

Section 10. All assessments levied are a personal liability and charged against the real and true owners of the portion of the Property described, notwithstanding such owners may not be named, or may be incorrectly named. An owner may pay the full and complete amount of the assessment plus interest that has accrued to the date of payment, and upon such payment of principal and interest receive a full and complete release of lien executed by the City. All interest payments on the assessments are calculated to the date of payment. All payments shall be in accordance with the Assessment Plan attached hereto.

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Section 11. The City shall reimburse itself for its actual costs of creating and providing administrative services to the District.

Section 12. City staff is hereby authorized to take all action necessary to effectuate the purposes of this Ordinance.

Section 13. This Ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

PASSED and APPROVED on this the _____ day of _____, 2007.

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CITY OF EL PASO, TEXAS

John F. Cook
Mayor

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ATTEST:

Richarda Momsen
City Clerk

APPROVED AS TO CONTENT:

Kelly Carpenter
Deputy Director
Development Services-Planning Division

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APPROVED AS TO FORM:

Theresa Cullen-Garney
Deputy City Attorney

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